

FILED

UNITED STATES COURT OF APPEALS

DEC 03 2010

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

LUKE D. BRUGNARA,

Defendant-Appellant.

No. 10-10283

D.C. No. CR-08-236-MMC

Northern California

(San Francisco)

UNITED STATES OF AMERICA,

Plaintiff-Appellee/  
Cross-Appellant,

v.

LUKE D. BRUGNARA,

Defendant-Appellant/  
Cross-Appellee.

No. 10-10286

D.C. No. CR-08-222-WHA

Northern California

(San Francisco)

ORDER

Before: GOODWIN and RYMER, Circuit Judges

Luke D. Brugnara requested leave to represent himself on appeal.

Brugnara's request was referred to the Appellate Commissioner pursuant to Ninth

Circuit General Order 6.3(e). The Appellate Commissioner recommended that the

court deny Brugnara's request for self-representation. The court has received

Brugnara's objections to the report and recommendation. Brugnara's objections are overruled and the Appellate Commissioner's report and recommendation is adopted in full.

Within 30 days after the date of this order, Brugnara shall file a notice of appearance by new retained counsel. New counsel shall designate and order the transcripts by January 14, 2011. The court reporters shall file the transcripts in the district court by February 14, 2011. Brugnara's opening brief and excerpts of record are due March 28, 2011. The government's answering brief is due April 27, 2011. Brugnara's optional reply brief is due 14 days after service of the answering brief.

In light of Brugnara's May 16, 2012 projected release date, motions for extensions of time to file the briefs are discouraged. The Clerk shall calendar the appeals as soon as practicable after the filing of the principal briefs. *See* 9th Cir. R. 27-12, 34-3.

The court will not entertain Brugnara's September 20, 2010 pro se motion for bail pending appeal and his October 29, 2010 pro se supplemental motion. New counsel may submit appropriate motions.